

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 21-24 have been added and read on the elected species. Claims 1, 2 and 20 have been canceled, and Claims 11-17 and 19 remain withdrawn from consideration as being directed to the non-elected species. Claims 21 and 22 are the only independent claims currently at issue.

New Claim 21 is generally directed to a blood vessel extroverting instrument used to turn an end of a blood vessel inside out having a combination of features including a contact portion to be brought into contact with an end of a blood vessel, a supporting portion on which the contact portion is supported, and an operating mechanism for increasing and reducing the diameter of the contact portion. The contact portion comprises a ring portion formed of a wire-like member in the form of a substantially circular ring. The ring portion is supported on the supporting portion and the operation of the operating mechanism increases and reduces the diameter of the ring portion. The ring portion is inserted into the blood vessel through the opening at the end of the blood vessel while being maintained in a reduced diameter state. The diameter of the ring portion is thereafter increased and the end of the blood vessel is expanded and/or reversed by operating the operating mechanism.

New Claim 22 is generally directed to a blood vessel extroverting instrument used to turn an end of a blood vessel inside out having a combination of features including a contact portion to be brought into contact with an inside of the end of a blood vessel, the contact portion being supported by a support mechanism and defining an outer circumference that is adjustable, and an operating mechanism for

changing the outer circumference defined by the contact portion between a relatively smaller outer circumference permitting the contact portion to be introduced into the inside of the end of the blood vessel and a relatively larger outer circumference after the contact portion has been introduced into the inside of the blood vessel thereby permitting the blood vessel to be turned inside out. The contact portion comprises a ring portion formed of a wire-like member in the form of a substantially circular ring. The ring portion is supported on the supporting portion and the operation of the operating mechanism increases and reduces the outer circumference of the ring portion. The ring portion is inserted into the blood vessel through the opening of the end of the blood vessel while being maintained at the relatively smaller outer circumference and the outer circumference of the ring portion is thereafter increased to the relatively larger outer circumference.

The Official Action sets forth an anticipatory rejection of the previously presented independent Claims. This rejection is somewhat unclear in that it is said to be based on the disclosure in U.S. Patent No. 4,917,087 to *Walsh et al.*, yet the discussion of the rejection refers to *Wozniak*. Considering the comments in the Official Action, it is understood that the rejection is based on the disclosure in U.S. Patent No. 4,622,970 to *Wozniak*. If the undersigned's understanding on this point is inaccurate, the Examiner is respectfully requested to contact the undersigned and provide clarification.

Wozniak discloses a vascular everting instrument having a head portion 14 including ring portions 30, 32. The outer ring 30 is fixed and the inner ring 32 is rotatable with respect to the outer ring 30. A number of arms 66 are rotatably attached to the outer ring 30 and pass through staples 90 on the inner ring 32. Each

of the arms 66 extends inward from the outer ring 30 and the inner ring 32 in a generally radial direction as shown in Fig. 6 and have a barb 108 at the inner end. Rotation of the inner ring 32 causes the arms 66 to rotate about the outer ring 30 and slide within the staples 90 so that the inner ends of the arms move outwardly from the position shown in Fig. 6 to the position in Fig. 7. During use, the barbs 108 on the ends of the arms 66 engage the end of an artery as shown in Fig. 10b. By operating the handle portion 16, the arms move outwardly so that the artery is flared and everted.

One of the differences between the present invention and the disclosure contained in *Wozniak* is that the blood vessel extroverting instrument here includes a contact portion comprising a ring portion formed of a wire-like member in the form of a substantially circular ring whose diameter is increased and reduced through operation of the operating mechanism, whereby the ring portion is inserted in the blood vessel through the opening in the blood vessel while being maintained in a reduced diameter state and is thereafter increased in diameter, with the end of the blood vessel being expanded or reversed by operating the operating mechanism. This language, previously recited in Claim 2, is now set forth in Claim 21. Thus, Claim 21 includes the subject matter recited in Claims 1 and 2, except for the recitation in the last part of previous Claim 1.

Although not clearly explained in the Official Action, it appears from the rejection of Claim 2 that the Official Action interprets the arm 66 as corresponding to a ring portion formed of a wire-like member in the form of a substantially circular ring whose diameter is increased and reduced through operation of the operating mechanism. However, the arm 66 described in *Wozniak* is not a ring portion formed

of a wire-like member in the form of a substantially circular ring whose diameter is increased and decreased through operation of the handle 16. Instead, as shown in Fig. 4 of *Wozniak*, the arm 66 is a straight wire member with a bent end portion. This wire member 66 does not increase and decrease in diameter, but instead rotates outwardly from the Fig. 6 position to the Fig. 7 position.

Another difference between the present invention and the disclosure in *Wozniak* is that the contact portion here comprises a ring portion formed of a wire-like member in the form of a substantially annular ring that is inserted into the end of the blood vessel when at the relatively smaller outer circumference and is then increased to the relatively larger outer circumference. Claim 22 recites this distinguishing subject matter together with the subject matter previously recited in Claim 20.

The arm 66 described in *Wozniak* is not a ring portion formed of a wire-like member in the form of a substantially annular ring having its outer circumference changed by an operating mechanism between a relatively smaller outer circumference and a relatively larger circumference.

For at least the reasons set forth above, Claims 21 and 22 are allowable and Claims 3-10, 18, 23 and 24 are also allowable at least by virtue of their dependence from new Claims 21 or 22. The dependent claims also define additional aspects of the instrument that further patentably distinguish over the prior art.

For example, Claim 23 further defines that the member forming the substantially circular ring is a one-piece member and Claim 24 further defines that the member forming the substantially circular ring is a single member. *Wozniak* does not disclose at least these features together with the other claimed features.

Thus, it is requested that all the rejections of the claims in this application be withdrawn and that this application be allowed in a timely fashion.

Should any questions arise in connection with this application, or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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